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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,247	05/20/1999	DAVID R. THOMAS	TIF-26270	6271

23494 7590 05/13/2005

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EXAMINER
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BRINICH, STEPHEN M

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/315,247

Applicant(s)

THOMAS, DAVID R.

Examiner

Stephen M Brinich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 1/31/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-8,10-16,18-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-16,18-27 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3-8, 10-16, 18-27, & 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omura et al in view of Applicant's admitted Prior Art.

Re claims 1, 4, 6-8, 10-11, 13-16, 19, 21-26, & 29, Omura et al discloses (pages 889-892) a system for generating a virtual image in which the extent of the virtual image is divided into a plurality of regions each defining a focal plane, and one region (e.g. the "distinct large cube" of Figure 5(b)) is selected (and thus predetermined before the start of processing) by an observer as the region being actively observed. The image regions are recombined such that the selected region is sharp and the other regions are blurred in accordance with their respective distances from a reference point on the selected region's focal plane. Thus, images having a greater focal plane distance from the selected object are blurred more (page 891, column 1, second paragraph).

Re claims 3 & 18, the selected image of Figure 5(b) is a foreground object.

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Re claims 5 & 20, the object selection is based on object position (via detection of the user's gaze direction and comparing this direction with the location of the object).

Re claims 12 & 27, Omura et al discloses the use of the image generating system for artificially generated computer graphics images (page 891, column 1, first paragraph) and teleconferencing images from a caller captured by a video camera at the caller's site (page 889, column 1, second paragraph).

Omura et al discloses the use of this system for generating binocular stereoscopic images for a "teleconferencing system that allows users at different locations to communicate as if they were talking face to face" (page 889, column 1, lines 1-19). However, Omura does not specify the means by which binocular stereoscopic images of users at different locations are acquired and provided to the virtual image generator at each teleconferencing location. The generation of a video images consisting of image frames to provide binocular stereoscopic images is described as known Prior Art by Applicant (page 2, lines 17-23). The use of video images consisting of frames as the format of the images used in Omura et al would be an expedient obvious to one of ordinary skill in the art.

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***Response to Arguments***

3. Applicant's arguments (Response filed 1/31/05, page 9, line 7 - page 17, line 5) fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Each of Applicant's points of argument consists of a statement of a claim element and an assertion that it is not taught or suggested by the art of record, without specifically addressing Examiner's reading of the art of record on the claim element in question.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 703-308-4357.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306.

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Hand-carried or courier-delivered correspondence pertaining to this application should be directed to

US Patent and Trademark Office  
220 South 20<sup>th</sup> Street  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington VA 22202

Stephen M Brinich  
Examiner  
Art Unit 2624

smb *SMB*  
April 18, 2005



THOMAS D.  
~~TONY~~ LEE  
PRIMARY EXAMINER